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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 WILMINGTON SAVINGS FUND
10 SOCIETY, FSB, DOING BUSINESS AS
11 CHRISTIANA TRUST, NOT IN ITS
12 INDIVIDUAL CAPACITY BUT
13 SOLELY AS TRUSTEE FOR BCAT
14 2014-6TT,

15 Plaintiff,

16 v.

17 COREY FRYBERG, *et al.*,

18 Defendants.

Case No. C17-1196RSL

ORDER TO SHOW CAUSE

19 This matter comes before the Court *sua sponte*. On August 8, 2017, plaintiff filed
20 the above-captioned matter seeking to enforce a Note and Deed of Trust executed by
21 defendant Corey Fryberg regarding property located within the Tulalip Reservation.
22 Plaintiff alleges that this Court has jurisdiction over its claims based on diversity of
23 citizenship and Tulalip Tribal Code 2.05.020. Plaintiff has not, however, provided the
24 citizenship of the various parties involved in this litigation. Nor has it given any
25 indication why TTC 2.05.020, which states that the Tulalip Tribal Court has jurisdiction
26 over matters having to do with rights in or encumbrances to lands within the Tulalip

1 Reservation, supports this Court's jurisdiction.

2 The party seeking a federal venue has the burden of establishing this Court's
3 subject matter jurisdiction (In re Dynamic Random Access Memory (DRAM) Antitrust
4 Litig., 546 F.3d 981, 984 (9th Cir. 2008)), and it has long been recognized that the Court
5 can *sua sponte* consider the issue of subject matter jurisdiction at any time during the
6 proceeding (Scholastic Entm't, Inc. v. Fox Entm't Group, Inc., 336 F.3d 982, 985 (9th
7 Cir. 2003); Fed. R. Civ. P. 12(h)(3)). Plaintiff has failed to show that there is "complete
8 diversity of citizenship between the parties opposed in interest." Kuntz v. Lamar Corp.,
9 385 F.3d 1177, 1181 (9th Cir. 2004) (internal citation omitted). It therefore appears that
10 there is no basis for federal jurisdiction over this matter. Plaintiff is hereby ORDERED
11 TO SHOW CAUSE on or before August 25, 2017, why the Court should not dismiss this
12 action for lack of subject matter jurisdiction by filing an amended complaint that
13 adequately establishes federal jurisdiction. The Clerk of the Court is directed to place this
14 order to show cause on the Court's calendar for August 25, 2017.

15 Dated this 17th day of August, 2017.

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19 Robert S. Lasnik
United States District Judge